

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:14-CR-167 JCM (PAL)

Plaintiff(s),

ORDER

V.

KEITH LEARIE ALLEN,

Defendant(s).

Presently before the court is *pro se* petitioner Keith Learie Allen's motion for early termination of supervised release. (ECF No. 5). The government filed a response. (ECF No. 8). Petitioner has not replied, and the period to do so has since passed.

On December 6, 2007, petitioner pleaded guilty to possession with intent to distribute approximately two kilos of cocaine and possession of a firearm in furtherance of a drug trafficking crime. On February 21, 2008, petitioner was sentenced by the Northern District of Ohio to a total of 102 months in custody, followed by eight (8) years of supervised release. The matter was transferred to the District of Nevada in May 2014.

Supervision commenced on April 7, 2014. To date, probation has not documented any violations or sought any modifications.

In the instant motion, petitioner moves for early termination of supervised release pursuant to 18 U.S.C. § 3583. (ECF No. 5). Petitioner asserts that he has a strong support structure and is gainfully employed as an apprentice by the Teamsters Union Local 631. (ECF No. 5). Petitioner further asserts that he has not committed any offenses since the commencement of supervision and is not being actively supervised by probation. (ECF No. 5).

In response, the government recommends that the court deny petitioner's motion without prejudice to renew upon petitioner's completion of half of his eight (8)-year term of supervised release. (ECF No. 8). The government acknowledges petitioner's success on supervision thus far, but argues that petitioner fails to discuss the nature and circumstances of his underlying offense and his own history. (ECF No. 8). Probation agrees with the government's recommendation to deny the motion as premature. (ECF No. 8).

Pursuant to 18 U.S.C. § 3583(e)(1), the court may, after considering the factors set forth in 18 U.S.C. § 3553(a), terminate probation after one year in the interests of justice. 18 U.S.C. § 3583(e)(1).

In light of the foregoing and upon considering the § 3553 factors, the court agrees with the government and probation that petitioner's motion is premature. The court appreciates the positive steps petitioner is taking and applauds his dedication. However, due to the serious nature of petitioner's underlying offenses, the court finds it appropriate for petitioner to continue on supervision. Further, based on petitioner's own representations, probation's presence is minimal and does not create an obstacle for petitioner's day-to-day life.

For these reasons, the court finds that petitioner's conduct, the interests of justice, as well as the factors set forth in 18 U.S.C. § 3553(a), do not warrant early termination of petitioner's supervised release. Accordingly, the court will deny petitioner's motion without prejudice to renewal upon completion of at least half of his eight-year term of supervised release.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that petitioner's motion for early termination of supervised release (ECF No. 5) be, and the same hereby is, DENIED consistent with the foregoing.

DATED April 12, 2017.

Jewell C. Mahan
UNITED STATES DISTRICT JUDGE